

DG 01-037

ENERGYNORTH NATURAL GAS, INC.

2001 Summer Period Cost of Gas Proceeding

**Granting Motion for Protective Order
and Confidential Treatment**

O R D E R N O. 23,656

March 16, 2001

On February 22, 2001, EnergyNorth Natural Gas, Inc. d/b/a KeySpan Energy Delivery New England (KeySpan), a public utility engaged in the business of distributing natural gas in 29 cities and towns in southern and central New Hampshire and the City of Berlin in northern New Hampshire, filed with the New Hampshire Public Utilities Commission (Commission) a 2001 Summer Period Cost of Gas filing. KeySpan concurrently filed a Motion for Protective Order and Confidential Treatment (Motion) in which it requested confidential treatment of certain information, pursuant to RSA 91-A:5,IV, Puc 204.05(b) and Puc 204.06.

The Motion requests confidential treatment of material that identifies KeySpan's suppliers and sets forth the terms of the gas supply agreements negotiated by KeySpan with its suppliers relating to the 2001 Summer Period Cost of Gas proceeding (Gas Supply Information). The Gas Supply Information specifies the commodity and demand charges under

the supply contracts, a supply and demand forecast, a calculation of unit cost of supply, a conversion of gas volumes and cost to therms, a unit cost calculation for natural gas storage, a unit cost calculation for liquid petroleum gas, and a unit cost calculation for liquid natural gas.

In its Motion, KeySpan states that: (1) the Gas Supply Information contains trade secrets of KeySpan which should be protected as confidential commercial information; (2) KeySpan does not disclose this information to anyone outside of its corporate affiliates and their representatives; (3) release of this information is likely to result in competitive disadvantage for KeySpan; and (4) this information would be extremely beneficial to KeySpan's competitors who would gain a competitive advantage as a result of disclosure.

The Commission recognizes that the Gas Supply Information regarding suppliers and contract terms identified above is critical to the review of the cost of gas filing by the Commission, the Commission Staff (Staff) and the Office of Consumer Advocate. The Commission also recognizes that the Gas Supply Information as contained in the filing is sensitive commercial information in a competitive market. Thus, based on KeySpan's representations, under the balancing test we have

applied in prior cases, e.g., Re NET (Auditel), 80 NHPUC 437 (1995), Re Eastern Utilities Associates, 76 NHPUC 236 (1991), and EnergyNorth Natural Gas, Inc., Order No. 23,559, Docket No. 00-193 (September 25, 2000), we find that the benefits to KeySpan of non-disclosure in this case outweigh the benefits to the public of disclosure. The information, therefore, is exempt from public disclosure pursuant to RSA 91-A:5,IV and N.H. Admin. Rules, Puc 204.06.

Based upon the foregoing, it is hereby

ORDERED, that the Motion for Protective Order and Confidential Treatment of KeySpan, as it relates to the Gas Supply Information, as described above, is GRANTED; and it is

FURTHER ORDERED, that in future filings, KeySpan shall continue to submit, concurrent with its request for confidential treatment, both redacted and unredacted filings which the Commission shall protect from disclosure during the pendency of its review of the request for confidentiality, pursuant to N.H. Admin. Rules, Puc 204.06; and it is

FURTHER ORDERED, that this Order is subject to the ongoing authority of the Commission, on its own motion or on the motion of Staff or any party or any other member of the public, to reconsider this Order in light of RSA 91-A, should

circumstances so warrant.

By order of the Public Utilities Commission of
New Hampshire this sixteenth day of March, 2001.

Douglas L. Patch
Chairman

Susan S. Geiger
Commissioner

Nancy Brockway
Commissioner

Attested by:

Thomas B. Getz
Executive Director and Secretary